

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/035,749
Filing Date	10/23/2001
First Named Inventor	Thomas J. Watson
Art Unit	2878
Examiner Name	Timothy J. Moran
Attorney Docket Number	8216

## ENCLOSURES (check all that apply)

☒ Fee Transmittal Form☒ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Reply to Missing Parts/  
Incomplete Application☐ Reply to Missing Parts  
under 37 CFR1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☒ Petition for Revival of an Application for  
Patent Abandoned for Failure to Notify  
the Office of a Foreign or International  
Filing☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation  
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_☐ Landscape Table on CD☐ After Allowance Communication to TC☐ Appeal Communication to Board  
of Appeals and Interferences☐ Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s)  
(please identify below):Statement Accompanying Petition for  
Revival of an Application for Patent  
Abandoned for Failure to Notify the Office  
of a Foreign or International Filing

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm

Reinhart Boerner Van Deuren s.c.

Signature

Printed Name

Leslie S. Miller

Date

January 18, 2005

Reg.  
No.

30,662

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

Typed or printed name

Leslie S. Miller

Date

January 18, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

Complete if Known

**FREE TRANSMITTAL  
for FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,500.00

Application Number	10/035,749
Filing Date	10/23/2001
First Named Inventor	Thomas J. Watson
Examiner Name	Timothy J. Moran
Art Unit	2878
Attorney Docket No.	8216

**METHOD OF PAYMENT (check all that apply)**☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : \_\_\_\_\_☐ Deposit Account Deposit Account Number: 18-0882 Deposit Account Name: Reinhart Boerner Van Deuren s.c.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s)☐ Credit any overpayments

Under 37 CFR 1.16 and 1.17, except for the issue fee

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
50	25

Each independent claim over 3 (including Reissues)

200	100
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Multiple dependent claims

360	180
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**Total Claims****Extra Claims****Fee(\$)****Fee Paid (\$)**

\_\_\_\_\_ -20 or HP= \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of total claims paid for, if greater than 20.

**Indep. Claims****Extra Claims****Fee(\$)****Fee Paid (\$)**

\_\_\_\_\_ - 3 or HP= \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3.

**Multiple Dependent Claims****Fee (\$)****Fee Paid (\$)****3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	/ 50 = _____	(round up to a whole number) x		= _____

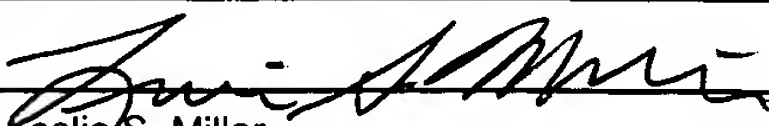
**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge) : Petition for Revival of an Appl. for Patent Abandoned for Failure to Notify

The Office of a Foreign or International Filing

**\$1,500.00****SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	30,662	Telephone	414-298-8321
Name (Print/Type)	Leslie S. Miller	Date	January 18, 2005		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

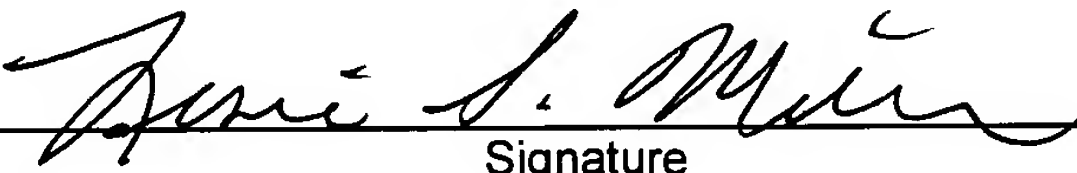
If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2. MW1161721



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STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

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\_\_\_\_\_  
Signature

January 18, 2005

\_\_\_\_\_  
Date

Leslie S. Miller

\_\_\_\_\_  
Typed or printed name

30,662

\_\_\_\_\_  
Registration Number, if applicable

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414-298-8321

\_\_\_\_\_  
Telephone Number

Milwaukee, WI 53202

\_\_\_\_\_  
Address

Enclosures: ☒ Fee Payment

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

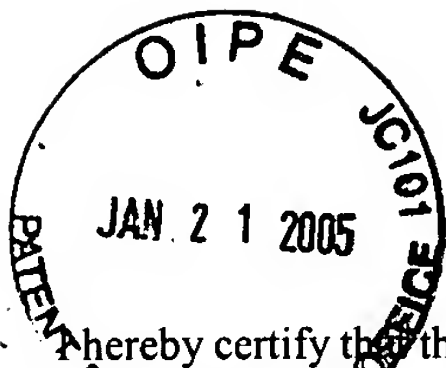
January 18, 2005

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature

Leslie S. Miller

\_\_\_\_\_  
Typed or printed name of person signing certificate



Whereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: January 18, 2005.

Reinhart Boerner Van Deuren S.C.

By: Leslie S. Miller  
Leslie S. Miller

Date: January 18, 2005

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP ART UNIT: 2878

EXAMINER: TIMOTHY J. MORAN

In re application of: Thomas J. )  
Watson )  
Application No: 10/035,749 )  
Filed: October 23, 2001 )  
U.S. Patent No.: 6,707,030 )  
Granted: March 16, 2004 )  
Attorney Docket No. 8216 )

For: SYSTEM AND METHOD OF  
AUTOMATIC DYNAMIC  
CALIBRATION FOR  
INFRARED SENSING DEVICE

Commissioner for Patents  
Attention: Office of Petitions  
**Mail Stop Petition**  
P.O. Box 1450  
Alexandria, VA 22313-1450

January 18, 2005

STATEMENT ACCOMPANYING PETITION FOR REVIVAL  
OF AN APPLICATION FOR PATENT ABANDONED  
FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN  
OR INTERNATIONAL FILING UNDER 37 C.F.R. 1.137(f)

Sir:

Applicants have recently learned that Applicants' nonpublication request in the patent application resulting in the above-identified patent was not rescinded, although the invention disclosed in the patent application resulting in the above-identified patent is the subject of WO 2002/061955, EP 1330882, and AU 2002249880, and that there was no notification of the foreign (or multilateral) filings. Accordingly, since the patent application (and the resulting patent) may be technically held as abandoned, Applicants are filing a petition under 37 CFR 1.137(b)(f).

Applicants' undersigned attorney has taken over the prosecution of the present patent and its underlying patent application and a number of related patent applications, and recently became aware of this situation with regard to a related patent application. Following a review of the present patent and its underlying patent application and the foreign (and multilateral) filings referenced by the Examiner in a related patent application, it appears that the present patent and its underlying patent application also have this issue. A number of other related patent applications which are commonly owned and directed to related subject matter, as well another issued patent which is also commonly owned and directed to related subject matter, have the same error in that they also requested nonpublication and failed to rescind the nonpublication request in a timely fashion.



Applicants' undersigned attorney has spoken with members of the U.S. Patent and Trademark Office Office of Petitions, including Mr. Jayprakash N. Gandhi, Mr. Paul A. Shanoski, and Mr. Mark O. Polutta regarding the various cases. Applicants greatly appreciate the kind assistance afforded by these individuals. It has come to the attention of Applicants' undersigned attorney in the course of these discussions that a number of attorneys and firms have made such mistakes.

The failure to rescind the request not to publish was inadvertent and not intended by Applicants. A copy of a Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign of International Filing (Form PTO/SB/64a) and the requisite fee of \$1,500.00 is enclosed herewith. The U.S. Patent and Trademark Office is also authorized to charge any additional fee(s) required to restore the present patent and its underlying patent application to non-abandoned status, or to credit any overpayment, to Deposit Account No. 18-0882.

Accordingly, Applicants respectfully request favorable consideration of the Petition to Revive and restoration of the present patent and its underlying patent application to non-abandoned status. **In addition, the revival of the underlying patent application for purposes of continuity is also respectfully requested.** Should the Office of Petitions believe that the restoration of the present patent and its underlying patent application to non-abandoned status may be expedited by a telephonic discussion,

Application No. 10/035,749

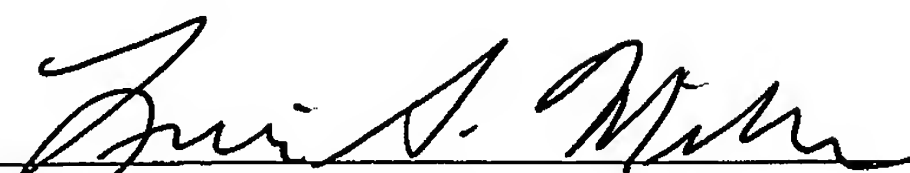
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U.S. Patent No. 6,707,030

Petition for Revival Dated January 18, 2005

the Office of Petitions is requested to call Applicants' undersigned attorney at the number listed below.

Respectfully submitted:

BY   
Leslie S. Miller  
Attorney for Applicants  
Registration No. 30,662

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